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EXAMINER

WILSON, BRIAN P

ART UNIT	PAPER NUMBER
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2612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,038	Applicant(s) SOMMER ET AL.	
	Examiner Brian Wilson	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 20-25, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) 26-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/24/2006, 03/31/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

1. Claims 1-5, and 20-29 are currently pending. Claims 6-19 have been cancelled.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show *descriptive legends* as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 2612

Claim Objections

3. Claims 1 is objected to because of the following informalities: The term *the receiver unit* in claim 1 appears to be referring to *the computer unit*. Appropriate correction is required.

4. Claims 26-27 are objected to because of the following informalities: They are dependent on cancelled claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 3, 5, 20, 21, 23, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kluba (FR 2836270).

Regarding claim 1, Kluba discloses a programming apparatus and a transmitter/receiver system for actuation of doors (met by Fig. 1; 4, 6, 8, 80 & pg. 4, lines 21-24), a transmitter code is read into the receiver and compared there with receiver codes met by (pg. 8, lines 5-6), a computer unit (met by Fig. 1; 6), an input unit (met by Fig. 1; 6; note, keyboard & pg. 8, lines 9-10 & pg. 10, line 5) through which a user can select/program a unique transmitter code (pg. 2, lines 3-5, note, serial number linked code) into the transmitter as a transmitter code (pg. 8, lines 5-6; note, user can modify/erase or create a new serial number linked transmitter code) and then specify the receiver code for a receiver by selecting the transmitter code, whereby inherently this

Art Unit: 2612

selection of the unique code functionally masks the code and prevents/blocks the transmitter code from being issued again in order to preserve the uniqueness of the codes, and an interface unit (met by Fig. 1; 6, 102) to issue the codes. However, Kluba does not specifically disclose *selecting a receiver code, programming the receiver code into a transmitter as a transmitter code*.

However, it would have been obvious to one of ordinary skill in the art at the time invention that since after programming, the transmitter codes and receiver codes need to agree, they are one and the same. The code programmed into the transmitter as the transmitter code in Kluba can nominally be called the receiver code as well as calling the code to be programmed into the transmitter the receiver code. Kluba would include *selecting a receiver code, programming the receiver code into a transmitter as a transmitter code*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this selection and allocation into Kluba. This provides unique transmitter codes for the transmitter/receiver system thus preventing duplicate transmitter codes.

Regarding claim 2, the claim is interpreted and rejected as claim 1.

Regarding claim 3, Kluba further disclose that the codes include a specific identification (met by pg. 2, lines 3-4; note, access authorizations with the serial number of the transmitter).

Regarding claim 5, the claim is interpreted and rejected as claim 3.

Regarding claim 20, the claim is interpreted and rejected as claim 1.

Regarding claim 21, the claim is interpreted and rejected as claim 1.

Regarding claim 25, the claim is interpreted and rejected as claim 1.

Regarding claim 29, the claim is interpreted and rejected as claim 1.

Art Unit: 2612

7. Claims 4, 22, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kluba (FR 2836270) in view of Martel (U.S. Patent 5,473,318).

Regarding claim 4, Kluba does not specifically disclose that the codes of the system are *stored under a specific identification*.

Martel teaches *storing codes under a specific identification* met by (Col. 5, lines 9-14; note, i.e. data identifying the user). It is obvious to store some type of identification with a code in a programming device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Martel's stored codes under a specific identification into Kluba's system. This correlates codes with some type of indication that is useful for a user of the programming device.

Regarding claim 22, Kluba does not specifically disclose the *computer unit stores the current versions of the codes*.

Martel teaches *computer unit stores the current versions of the codes* met by (Col. 4, lines 63-67 & Col. 5, lines 43-45; note, only current versions are stored in the programming device). It is obvious to store only relevant and current codes that are used in a transmitter/receiver system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Martel's current codes into Kluba's system. This saves memory, and keeps only relevant codes used in a transmitter/receiver system.

Regarding claim 23, the claim is interpreted and rejected as claim 1.

Art Unit: 2612

Regarding claim 28, Kluba discloses an interface unit having a transmitter/receiver for data transmission met by (Fig. 1; 102). However, Kluba does not specifically disclose an *interface adaptor*.

Martel teaches an *interface adaptor* met by (Fig. 2; 127 & Col. 2, line 8 & Col. 5, lines 61-67; note, can use RS422, RS485, RS232). It is obvious to have some type of adaptor to program a transmitter/receiver system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Martel's adaptor into Kluba's system. This provides a convenient way to for a programming unit to connect to a transmitter/receiver system and update the system.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kluba (FR 2836270) in view of Stouffer (U.S. Patent 6,697,719).

Regarding claim 24, Kluba does not disclose *a programming apparatus that can be connected to a personal computer*.

Stouffer teaches *a programming apparatus that can be connected to a personal computer* met by (Fig. 1; 12 & Col. 10, lines 42-60). It is obvious to download programs, codes, or features to a programming device from a personal computer so that the settings of a system can be changed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Stouffer's programmable apparatus that can be connected to a personal computer into Kluba's system. This provides the ability for a programming device to be updated from a personal computer, so the programming device can be used to remotely program a system

Art Unit: 2612

that is remote from a personal computer.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goci (U.S. Patent 2003/0195798) discloses a user operated menu [0024] where a user chooses a selection, the selection is *graphically masked* on a display screen, and prevents that masked selection from being chosen again. Yoshizawa (U.S. Patent 6,163,271) discloses a keyless entry system that is programmable with an external device.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Wilson whose telephone number is (571)270-5884. The examiner can normally be reached on Monday-Thursday from 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BPW/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612